

Douglas A. Ducey
Governor

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

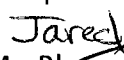


Henry R. Darwin
Director

February 23, 2015

Mr. Jared Blumenfeld, Regional Administrator
U.S. Environmental Protection Agency, Region IX
Mail Code ORA-1
75 Hawthorne Street
San Francisco, CA 94105

RE: Third Submission of Supplemental Information to the 2012 New Source Review State Implementation Plan Submission


Dear Mr. Blumenfeld:

Consistent with the provisions of Arizona Revised Statutes §§ 49-104, 49-106, 49-404, 49-406 and 49-425 and the Code of Federal Regulations (CFR) Title 40, §§ 51.102 through 51.104, the Arizona Department of Environmental Quality (ADEQ) hereby adopts and submits to the U.S. Environmental Protection Agency (EPA), the following supplemental information for the "State Implementation Plan – New Source Review" submitted on October 29, 2012 (NSR SIP). ADEQ submitted previous supplements to the NSR SIP on September 6, 2013 and July 2, 2014.

Delay in Action on R18-2-101(20), "Begin Actual Construction" Definition

Based on conversations between EPA and ADEQ staff, ADEQ understands that EPA believes the definition of "begin actual construction" in R18-2-101(20) is not consistent with EPA's definition of that term as interpreted by the agency. In addition, EPA has indicated that the definition does not qualify for partial disapproval, because it is not "separable" from the remaining rules, and that it is not appropriate for limited approval/limited disapproval.¹

In order to provide time to continue discussions with EPA regarding this issue and to avoid unnecessary delay in EPA action on the NSR SIP, ADEQ requests that EPA not act on the "begin actual construction" definition at this time. Please note that ADEQ does not necessarily agree with EPA's determination that the definition is not approvable and reserves the right to comment on and challenge any later EPA disapproval of the definition.

¹ SIP provisions are only "separable" if "disapproval of a provision will not affect the stringency of other portions of the SIP." 57 Fed. Reg. 13498, (General Preamble).

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Public Process for Proposed Final Permits

ADEQ's revised NSR rules allow an applicant for a Class I permit or Class I permit revision to begin actual construction, but not operation, of a source or modification on receipt of a "proposed final permit." In effect, under the revised rules, a proposed final permit is treated as a final authorization to construct.

EPA has inquired as to whether the issuance of a proposed final permit constitutes a final, challengeable action under PSD/NSR. As discussed in the attached guidance memorandum, issuance of a proposed final Class I permit or permit revision constitutes an "appealable agency action" under Arizona administrative law and therefore may be the subject of an administrative appeal. An interested party would not have to wait for completion of EPA review and issuance of the final permit to file an appeal.

Retention of Rules Not Replaced in SIP

ADEQ wishes to clarify that the Department is seeking removal of the existing elements of the NSR SIP identified in column 2 of Table 2-1 of the NSR SIP, as updated below, only where EPA approves a replacement element into the SIP.

Specifically, as noted above, EPA has indicated that it cannot approve R18-2-101(20) as a replacement for the definition of begin actual construction in SIP rule R9-3-101(20), and we have requested that EPA not take action on R18-2-101(20) at this time. ADEQ therefore requests that SIP rule R9-3-101(20) be retained in the SIP until EPA does approve a replacement definition.

In addition, EPA has determined that the NSR SIP does not include replacements for the following necessary SIP elements:

R9-3-301(I) requirement for a preliminary determination
R9-3-301(K) degree of increment consumption
R9-3-304(H) visibility requirements

ADEQ therefore requests that EPA not remove these provisions from the SIP.

Submission of A.R.S. § 49-107, Local delegation of state authority

In the July 2, 2014 supplement, ADEQ relied on A.R.S. § 49-107 as part of its identification, pursuant to 40 C.F.R. § 51.162, of "the State or local agency which will be responsible for meeting the requirements of [40 C.F.R. Part 51, Subpart I, 'Review of New Sources and Modifications'] in each area of the State." A copy of that statute is included in this submission.

Submission of A.A.C. R18-2-334, Minor New Source Review

As the Notice of Final Rulemaking (NFRM) included as Appendix A to the NSR SIP makes clear, A.A.C. R18-2-334 was specifically included in the NFRM to comply with the minor NSR requirements of the Clean Air Act. That rule, however, was inadvertently omitted from Table 2-1 of the NSR SIP, and as a result, the September 6, 2013 submission of “clean” versions of the proposed SIP rules did not include R18-2-334.

A copy of the clean version of A.A.C. R18-2-334 is included with the submission, and the revised version of Table 2-1 provided below includes a correction of this error.

Revised Table 2-1

The following is a revised version of Table 2-1 of the NSR SIP, as updated in the July 2, 2014 supplement, reflecting the changes discussed above. As explained in the original SIP submission, rules identified by italics are applicable to both new and existing sources but are being submitted solely for purposes of major and minor NSR.

As noted above, ADEQ requests removal of the rules, or separable portions thereof, identified in the second column of the table only where EPA approves a replacement element of that portion of the program into the SIP.

Rules to Be Added to and Replaced in the SIP

Rule or Statute Added	SIP Rule(s) Replaced	Amended by NFRM
A.R.S. § 49-402. State and county control	A.R.S. § 36-1706. State and county control 7-1-8.1 (R9-3-801) Original State Jurisdiction 7-1-8.2 (R9-3-802) Assertions of Jurisdiction R9-3-1101. Jurisdiction	No
A.R.S. § 49-107. Local delegation of authority	7-1-8.3 (R9-3-803) Delegation of authority	No

Rule or Statute Added	SIP Rule(s) Replaced	Amended by NFRM
A.R.S. § 49-426(F). Permits; duties of director; exceptions; applications; objections; fees Permit term subsection	R9-3-306(J). Operating Permits	No
R18-2-101. Definitions Delay action on R18-2-101(20) "begin actual construction"	R9-3-101. Definitions, except R9-3-101(20) (Also replaced by R18-2-301, R18-2-401 and R18-2-701)	Yes
<i>R18-2-102. Incorporated Materials</i>	<i>R9-3-310. Az Testing Manual for Air Pollutant Emissions</i>	Yes
R18-2-201. Particulate matter: PM10 and PM2.5	R9-2-201. Particulate Matter R9-3-218. Violations	Yes
R18-2-202. Sulfur oxides (sulfur dioxide)	R9-3-202. Sulfur Oxide (Sulfur Dioxide) R9-3-218. Violations	Yes
R18-2-203. Ozone: 1-hour standard and 8-hour averaged standard	R9-3-204. Ozone R9-3-218. Violations	Yes
R18-2-205. Nitrogen <u>oxides</u> (<u>nitrogen dioxide</u>)	R9-3-206. Nitrogen Dioxide R9-3-218. Violations	Yes
R18-2-206. Lead	R9-3-207. Lead R9-3-218. Violations	Yes
R18-2-210. Attainment, Nonattainment, and Unclassifiable Area Designations	R9-3-217. Attainment Areas: Classification and Standards (subsection A)	Yes
R18-2-215. Ambient air quality monitoring methods and procedures	R9-3-215	No
R18-2-216. Interpretation of Ambient Air Quality Standards and Evaluation of Air Quality Data	R9-3-216	No
R18-2-217. Designation and Classification of Attainment Areas	None	No
R18-2-218. Limitation of Pollutants in Classified Attainment Areas	R9-3-217. Attainment Areas: Classification and Standards (subsection B)	Yes

Rule or Statute Added	SIP Rule(s) Replaced	Amended by NFRM
R18-2-301. Definitions	R9-3-101. Definitions, except R9-3-101(20) (Also replaced by R18-2-301, R18-2-401 and R18-2-701)	Yes
<i>R18-2-302. Applicability; Registration; Classes of Permits</i>	<i>R9-3-301. Installation Permits: General (subsections A and B)</i> <i>R9-3-306. Operating Permits (subsection A)</i>	Yes
<i>R18-2-302.01. Source Registration Requirements</i>	None	Yes
R18-2-303. Transition from Installation and Operating Permit Program to Unitary Permit Program; Registration transition; Minor NSR transition	None	Yes
<i>R18-2-304. Permit Application Processing Procedures</i>	<i>R9-3-301. Installation Permits: General (subsections E, + M-P)</i> <i>R9-3-306. Operating Permits (subsections C-F, I)</i> <i>R9-3-318. Denial or revocation of installation or operating permit (subsection A, C)</i>	Yes
<i>R18-2-306. Permit Contents</i>	<i>R9-3-301. Installation Permits: General (subsections C, D, G, H)</i> <i>R9-3-306. Operating Permits (subsections B, G)</i> <i>R9-3-308. Permit Conditions</i>	No
<i>R18-2-310.01. Reporting Requirements</i>	<i>R9-3-314. Excess Emissions Reporting</i>	Yes (amending SIP-approved rule)
R18-2-306.01. Permits Containing Voluntarily Accepted Emission Limitations and Standards	None	No
R18-2-306.02. Establishment of an Emissions Cap	None	No
<i>R18-2-315. Posting of Permit</i>	<i>R9-3-315. Posting of Permits</i>	No

Rule or Statute Added	SIP Rule(s) Replaced	Amended by NFRM
<i>R18-2-316. Notice by Building Permit Agencies</i>	<i>R9-3-316. Notice by Building Permit Agencies</i>	No
<i>R18-2-319. Minor Permit Revisions</i>	<i>R9-3-301. Installation Permits: General, except R9-3-301(I), (K)</i>	Yes
<i>R18-2-320. Significant Permit Revisions</i>	<i>R9-3-301. Installation Permits: General, except R9-3-301(I), (K)</i>	Yes
<i>R18-2-321. Permit Reopenings; Revocation and Reissuance; Termination</i>	<i>R9-3-318. Denial or revocation of installation or operating permit (subsection B, C)</i>	Yes
<i>R18-2-323. Permit Transfers</i>	<i>R9-3-317. Permit Non-transferrable; Exception</i>	No
<i>R18-2-330. Public Participation</i>	<i>R9-3-301. Installation Permits: General (subsections J and L)</i>	Yes
<i>R18-2-332. Stack Height Limitation</i>	None	No
R18-2-334. Minor New Source Review	None	Yes
<i>R18-2-401. Definitions</i>	<i>R9-3-101. Definitions, except R9-3-101(20)</i> (Also replaced by R18-2-301, R18-2-401 and R18-2-701)	Yes
<i>R18-2-402. General</i>	<i>R9-3-301. Installation Permits: General (subsection C(2), Q)</i> <i>R9-3-307. Replacement</i>	Yes
<i>R18-2-403. Permits for Sources Located in Nonattainment Areas</i>	<i>R9-3-302. Installation Permits in Nonattainment Areas</i>	Yes
<i>R18-2-404. Offset Standards</i>	<i>R9-3-303. Offset Standards</i>	Yes
<i>R18-2-405. Special Rule for Major Sources of VOC or Nitrogen Oxides in Ozone Nonattainment Areas Classified as Serious or Severe</i>	None	Yes
<i>R18-2-406. Permit Requirements for Sources Located in Attainment and Unclassifiable Areas</i>	<i>R9-3-304. Installation Permits in Attainment Areas, except R9-3-304(H)</i>	Yes
<i>R18-2-407. Air Quality Impact Analysis and Monitoring Requirements</i>	<i>R9-3-301. Installation Permits: General (subsection F)</i> <i>R9-3-305. Air Quality Analysis and Monitoring Requirements</i>	Yes
<i>R18-2-409. Air Quality Models</i>	<i>R9-3-311. Air Quality Models</i>	No

Rule or Statute Added	SIP Rule(s) Replaced	Amended by NFRM
R18-2-412. PALs	None	Yes
R18-2-502. General Permit Development	None	Yes
R18-2-503. Application for Coverage under General Permit	None	Yes
R18-2-504. Public Notice	None	No
R18-2-505. General Permit Renewal	None	Yes
R18-2-512. Changes to Facilities Granted Coverage under General Permits	None	Yes
R18-2-513. Portable Sources Covered under a General Permit	None	Yes
R18-2-701. Definitions	R9-3-101. Definitions, except R9-3-101(20) (Also replaced by R18-2-301, R18-2-401 and R18-2-701)	Yes
None	R9-3-319 Permit Fees Appendices 4 and 5 No longer required under Clean Air Act § 110(a)(2)(L)	No
None	R9-3-322 Temporary Conditional Permits Program no longer administered by ADEQ. Not necessary to meet NSR or other Clean Air Act requirements.	No

I am submitting this supplemental information to the SIP in my capacity as Director of the ADEQ Air Quality Division pursuant to the attached delegation of authority from Henry R. Darwin, ADEQ Director.

If you have any questions about this submission, please contact me, at (602) 771-2288.

Sincerely,

A handwritten signature in black ink, appearing to read 'Eric C. Massey', with a large, stylized flourish at the end.

Eric C. Massey
Director, Air Quality Division

EM:sb5

Enclosures (4)

cc (via email): Colleen McKaughan, EPA Region IX
Lisa Beckham, EPA Region IX
Gerardo Rios, EPA Region IX



Memorandum

Date: February 10, 2015
To: Balaji Vaidyanathan, Permit Section Manager
From: Eric Massey, Air Quality Division Director *EM*
Subject: Proposed Final Permits to be Treated as Appealable Agency Actions

The 2012 amendments to our permit rules, which were adopted in order to meet federal new source review requirements, provide that an applicant for a Class I permit or Class I permit revision may begin actual construction, but not operation, on receipt of a "proposed final permit." R18-2-302(G); R18-2-334(B), R18-2-402(C). A proposed final permit is "the version of a Class I permit or Class I permit revision that the Department proposes to issue and forwards to the Administrator for review," as required by § 502 of Title V of the Clean Air Act, 42 U.S.C. § 7661d.

The purpose of this treatment is to ensure that Arizona's unitary permit program does not place restrictions on Arizona industries that they would not face in jurisdictions with binary programs. Under a binary program, separate permits are issued to construct and operate, and only permits to operate are subject to EPA review under Title V. Thus a source in a jurisdiction with a binary program ordinarily would have the authority to proceed with construction under a construction permit before EPA review of the Title V permit or permit revision occurred.

Under Arizona administrative law, an "appealable agency action" is defined as "an action that determines the legal rights, duties or privileges of a party." A.R.S. § 41-1092(3). Because a proposed final permit or permit revision under the revised rules determines the applicant's right to construct, it must be treated as an appealable agency action separate from the issuance of the final permit or permit revision.¹ We must therefore issue a notice of appealable agency action under 41-1092.03 for both the proposed final permit or permit revision, as well as the final permit or permit revision.

Please distribute this memorandum to all of your permit engineers so that they are aware of this obligation. In addition, make sure that the subject matter of this memorandum is covered in any training for permit engineers hired in the future.

¹ Duplicative appeals can be avoided by consolidating appeals of proposed final permit and final permits, should they occur.

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J. Brewer

JANICE K. BREWER
SECRETARY OF STATE

ARIZONA REVISED STATUTES



ANNOTATED

*Prepared Under Legislative Authority
Laws 1956, Chapter 129*

Volume 15C

Title 49
The Environment
§§ 49-101 to 49-End

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TITLE 49. ENVIRONMENT

Analysis of Articles and Sections, see beginning of each chapter

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Library References

Environmental Law ☞15.
Westlaw Topic No. 149E.
States ☞73.

Westlaw Topic No. 360.
C.J.S. States §§ 130 to 140.

United States Supreme Court

Environmental reports, Emergency PLanning
and Community Right-To-Know Act, Article III
jurisdiction, redressibility requirement for

standing, see Steel Co. v. Citizens for a Better
Environment, U.S.Ill. 1998, 118 S.Ct. 1003.

Notes of Decisions

Delegation of duties 1

1. Delegation of duties

Because Arizona Department of Environmen-
tal Quality may only delegate official functions

and duties to other governmental units pursuant
to statute, the ADEQ does not have the authority
to contract with a private fire fighting agency
for administering the "open burning" permit
program to private parties. Op.Atty.Gen. No.
195-17.

§ 49-105. Repealed by Laws 2003, Ch. 104, § 38

Historical and Statutory Notes

The repealed section, which related to annual
reports on violations and enforcement, was add-
ed by Laws 1986, Ch. 368, § 34, and amended

by Laws 1994, Ch. 95, § 2; Laws 1997, Ch. 130,
§ 11; Laws 1999, Ch. 295, Ch. 295, § 26.

§ 49-106. Statewide application of rules

The rules adopted by the department apply and shall be observed throughout
this state, or as provided by their terms, and the appropriate local officer,
council or board shall enforce them. This section does not limit the authority
of local governing bodies to adopt ordinances and rules within their respective
jurisdictions if those ordinances and rules do not conflict with state law and are
equal to or more restrictive than the rules of the department, but this section
does not grant local governing bodies any authority not otherwise provided by
separate state law.

Added by Laws 1987, Ch. 317, § 15, eff. Aug. 18, 1987, retroactively effective to July 1,
1987.

Historical and Statutory Notes

For applicable retroactive effective date provi-
sion of Laws 1987, Ch. 317, see Historical and
Statutory Notes preceding § 49-141.

Library References

Environmental Law ☞16.
Westlaw Topic No. 149E.

§ 49-107. Local delegation of state authority

A. The director may delegate to a local environmental agency, county health
department, public health services district or municipality any functions, pow-
ers or duties which the director believes can be competently, efficiently and

properly performed by the local agency if the local agency accepts the delegation and agrees to perform the delegated functions, powers and duties according to the standards of performance required by law and prescribed by the director.

B. Monies appropriated or otherwise made available to the department for distribution to local agencies may be allocated or reallocated in a manner designed to assure that the recognized local activities and the delegated functions, powers and duties are accomplished according to the applicable standards of performance.

C. The director may terminate, for cause, all or part of the delegation and reallocate all or part of any monies that may have been conditioned on the further performance of the delegated functions, powers and duties.

Added by Laws 1987, Ch. 317, § 15, eff. Aug. 18, 1987, retroactively effective to July 1, 1987. Amended by Laws 2000, Ch. 11, § 20.

Historical and Statutory Notes

For applicable retroactive effective date provision of Laws 1987, Ch. 317, see Historical and Statutory Notes preceding § 49-141.

For applicable retroactive application provision of Laws 2000, Ch. 11, see note preceding § 48-5801.

Administrative Code References

Department of Environmental Quality, see A.A.C. R18-1-502.

4.01 General permit, sewage collection systems, see A.A.C. R18-9-E301.

Private Sewage Disposal Systems, see A.A.C. R4-48-127.

Type 1 general permit, see A.A.C. R18-9-B301.

Law Review and Journal Commentaries

Enforcement of environmental laws in Arizona. James D. Viereggs, 26 Ariz.Att'y 17 (April 1990).

Library References

Environmental Law ¶2.
Westlaw Topic No. 149E.

~~§ 49-108. Hazardous materials emergency response operations~~

~~The director of environmental quality shall establish a hazardous materials emergency response and recovery organizational unit in the department to function as the scientific support, health, safety and environmental element of the hazardous materials emergency management program pursuant to § 26-305.02.~~

~~Added by Laws 1988, Ch. 292, § 5, eff. July 8, 1988.~~

~~Historical and Statutory Notes~~

~~Source:~~

~~A.R.S. former § 36-1681.
Laws 1986, Ch. 340, § 5.~~

Department of Environmental Quality – Air Pollution Control

TITLE 18. ENVIRONMENTAL QUALITY**CHAPTER 2. DEPARTMENT OF ENVIRONMENTAL QUALITY
AIR POLLUTION CONTROL****ARTICLE 1. GENERAL**

Article 1 consisting of Section R9-3-101 renumbered as Article 1, Section R18-2-101 (Supp. 87-3).

Section

- R18-2-101. Definitions
- R18-2-102. Incorporated Materials
- R18-2-103. Applicable Implementation Plan; Savings

**ARTICLE 2. AMBIENT AIR QUALITY STANDARDS;
AREA DESIGNATIONS; CLASSIFICATIONS**

Article 2, consisting of Sections R18-2-201 through R18-2-290, adopted effective August 8, 1991 (Supp. 91-3).

Article 2, consisting of Sections R18-2-201 through R18-2-220, repealed effective August 8, 1991 (Supp. 91-3).

Article 2 consisting of Sections R9-3-201, R9-3-202, R9-3-204 through R9-3-207, and R9-3-215 through R9-3-219 renumbered as Article 2, Sections R18-2-201, R18-2-202, R18-2-204 through R18-2-207, and R18-2-215 through R18-2-219 (Supp. 87-3).

Section

- R18-2-201. Particulate Matter: PM₁₀ and PM_{2.5}
- R18-2-202. Sulfur Oxide (Sulfur Dioxide)
- R18-2-203. Ozone: One-hour Standard and Eight-hour Average Standard
- R18-2-204. Carbon monoxide
- R18-2-205. Nitrogen Oxides (Nitrogen Dioxide)
- R18-2-206. Lead
- R18-2-207. Renumbered
- R18-2-208. Reserved
- R18-2-209. Reserved
- R18-2-210. Attainment, Nonattainment, and Unclassifiable Area Designations
- R18-2-211. Reserved
- R18-2-212. Reserved
- R18-2-213. Reserved
- R18-2-214. Reserved
- R18-2-215. Ambient air quality monitoring methods and procedures
- R18-2-216. Interpretation of Ambient Air Quality Standards and Evaluation of Air Quality Data
- R18-2-217. Designation and Classification of Attainment Areas
- R18-2-218. Limitation of Pollutants in Classified Attainment Areas
- R18-2-219. Repealed
- R18-2-220. Air pollution emergency episodes

ARTICLE 3. PERMITS AND PERMIT REVISIONS

Article 3, consisting of Sections R9-3-301 through R9-3-332, adopted effective November 15, 1993 (Supp. 93-4).

Article 3, consisting of Sections R9-3-301 through R9-3-319, and R9-3-321 through R9-3-323 repealed effective November 15, 1993 (Supp. 93-4).

Article 3 consisting of Sections R9-3-301 through R9-3-319 and R9-3-321 through R9-3-323 renumbered as Article 3, Sections R18-2-301 through R18-2-319 and R18-2-321 through R18-2-323 (Supp. 87-3).

Section

- R18-2-301. Definitions
- R18-2-302. Applicability; Registration; Classes of Permits
- R18-2-302.01. Source Registration Requirements

- R18-2-303. Transition from Installation and Operating Permit Program to Unitary Permit Program; Registration Transition; Minor NSR Transition
- R18-2-304. Permit Application Processing Procedures
- R18-2-305. Public Records; Confidentiality
- R18-2-306. Permit Contents
- R18-2-306.01. Permits Containing Voluntarily Accepted Emission Limitations and Standards
- R18-2-306.02. Establishment of an Emissions Cap
- R18-2-307. Permit Review by the EPA and Affected States
- R18-2-308. Emission Standards and Limitations
- R18-2-309. Compliance Plan; Certification
- R18-2-310. Affirmative Defenses for Excess Emissions Due to Malfunctions, Startup, and Shutdown
- R18-2-310.01. Reporting Requirements
- R18-2-311. Test Methods and Procedures
- R18-2-312. Performance Tests
- R18-2-313. Existing Source Emission Monitoring
- R18-2-314. Quality Assurance
- R18-2-315. Posting of Permit
- R18-2-316. Notice by Building Permit Agencies
- R18-2-317. Facility Changes Allowed Without Permit Revisions - Class I
- R18-2-317.01. Facility Changes that Require a Permit Revision - Class II
- R18-2-317.02. Procedures for Certain Changes that Do Not Require a Permit Revision - Class II
- R18-2-318. Administrative Permit Amendments
- R18-2-318.01. Annual Summary Permit Amendments for Class II Permits
- R18-2-319. Minor Permit Revisions
- R18-2-320. Significant Permit Revisions
- R18-2-321. Permit Reopenings; Revocation and Reissuance; Termination
- R18-2-322. Permit Renewal and Expiration
- R18-2-323. Permit Transfers
- R18-2-324. Portable Sources
- R18-2-325. Permit Shields
- R18-2-326. Fees Related to Individual Permits
- R18-2-326.01. Emissions-Based Fee Increase Related to Individual Permits for Fiscal Year 2011
- R18-2-327. Annual Emissions Inventory Questionnaire
- R18-2-328. Conditional Orders
- R18-2-329. Permits Containing the Terms and Conditions of Federal Delayed Compliance Orders (DCO) or Consent Decrees
- R18-2-330. Public Participation
- R18-2-331. Material Permit Conditions
- R18-2-332. Stack Height Limitation
- R18-2-333. Acid Rain
- R18-2-334. Minor New Source Review

**ARTICLE 4. PERMIT REQUIREMENTS FOR NEW MAJOR
SOURCES AND MAJOR MODIFICATIONS TO EXISTING
MAJOR SOURCES**

Article 4, consisting of Sections R18-2-401 through R18-2-411, adopted effective November 15, 1993 (Supp. 93-4).

Article 4, consisting of Sections R18-2-401 through R18-2-410, renumbered as Article 6, Sections R18-2-601 through R18-2-610 (Supp. 93-4).

Article 4 consisting of Sections R9-3-401 through R9-3-410 renumbered as Article 4, Sections R18-2-401 through R18-2-410 (Supp. 87-3).

Section

- R18-2-401. Definitions
- R18-2-402. General
- R18-2-403. Permits for Sources Located in Nonattainment Areas
- R18-2-404. Offset Standards
- R18-2-405. Special Rule for Major Sources of VOC or Nitrogen Oxides in Ozone Nonattainment Areas Classified as Serious or Severe
- R18-2-406. Permit Requirements for Sources Located in Attainment and Unclassifiable Areas
- R18-2-407. Air Quality Impact Analysis and Monitoring Requirements
- R18-2-408. Innovative Control Technology
- R18-2-409. Air Quality Models
- R18-2-410. Visibility Protection
- R18-2-411. Repealed
- R18-2-412. PALs

ARTICLE 5. GENERAL PERMITS

Article 5, consisting of Sections R18-2-501 through R18-2-510, adopted effective November 15, 1993 (Supp. 93-4).

Article 5, consisting of Sections R18-2-501 through R18-2-530, renumbered as Article 7, Sections R18-2-701 through R18-2-730 (Supp. 93-4).

Article 5 consisting of Sections R9-3-501 through R9-3-529 renumbered as Article 5, Sections R18-2-501 through R18-2-529 (Supp. 87-3).

Section

- R18-2-501. Applicability
- R18-2-502. General Permit Development
- R18-2-503. Application for Coverage under General Permit
- R18-2-504. Public Notice
- R18-2-505. General Permit Renewal
- R18-2-506. Relationship to Individual Permits
- R18-2-507. General Permit Variances
- R18-2-508. General Permit Shield
- R18-2-509. General Permit Appeals
- R18-2-510. Terminations of General Permits and Revocations of Authority to Operate Under a General Permit
- R18-2-511. Fees Related to General Permits
- R18-2-512. Changes to Facilities Granted Coverage under General Permits
- R18-2-513. Portable Sources Covered under a General Permit
- R18-2-514. Renumbered
- R18-2-515. Renumbered
- R18-2-515.01. Renumbered
- R18-2-515.02. Renumbered
- R18-2-516. Renumbered
- R18-2-517. Renumbered
- R18-2-518. Renumbered
- R18-2-519. Renumbered
- R18-2-520. Renumbered
- R18-2-521. Renumbered
- R18-2-522. Renumbered
- R18-2-523. Renumbered
- R18-2-524. Renumbered
- R18-2-525. Renumbered
- R18-2-526. Renumbered
- R18-2-527. Renumbered
- R18-2-528. Renumbered
- R18-2-529. Renumbered
- R18-2-530. Renumbered

ARTICLE 6. EMISSIONS FROM EXISTING AND NEW NONPOINT SOURCES

Article 6, consisting of Sections R18-2-601 through R18-2-610, renumbered from Article 4, Sections R18-2-401 through R18-2-410 (Supp. 93-4).

Article 6, consisting of Sections R18-2-601 through R18-2-605, renumbered to Article 8, Sections R18-2-801 through R18-2-805 (Supp. 93-4).

Article 6 consisting of Sections R9-3-601 through R9-3-605 renumbered as Article 6, Sections R18-2-601 through R18-2-605 (Supp. 87-3).

Section

- R18-2-601. General
- R18-2-602. Unlawful Open Burning
- R18-2-603. Repealed
- R18-2-604. Open Areas, Dry Washes, or Riverbeds
- R18-2-605. Roadways and Streets
- R18-2-606. Material Handling
- R18-2-607. Storage Piles
- R18-2-608. Mineral Tailings
- R18-2-609. Agricultural Practices
- R18-2-610. Definitions for R18-2-610.01
- R18-2-610.01. Agricultural PM₁₀ General Permit for Crop Operations; PM₁₀ Nonattainment Areas
- R18-2-611. Definitions for R18-2-611.01
- R18-2-611.01. Animal Operations PM₁₀ General Permit; Moderate and Serious PM₁₀ Nonattainment Areas Except Yuma County
- R18-2-612. Definitions for R18-2-613
- R18-2-613. Yuma PM₁₀ Nonattainment Area; Agricultural Best Management Practices
- R18-2-614. Evaluation of Nonpoint Source Emissions

ARTICLE 7. EXISTING STATIONARY SOURCE PERFORMANCE STANDARDS

Article 7 consisting of Sections R18-2-701 through R18-2-730 renumbered from Article 5, Sections R18-2-501 through R18-2-530 (Supp. 93-4).

Article 7 consisting of Sections R18-2-701 through R18-2-709 repealed effective September 26, 1990 (Supp. 90-3).

Article 7 consisting of Sections R9-3-701 through R9-3-709 renumbered as Article 7, Sections R18-2-701 through R18-2-709 (Supp. 87-3).

Section

- R18-2-701. Definitions
- R18-2-702. General Provisions
- R18-2-703. Standards of Performance for Existing Fossil-fuel Fired Steam Generators and General Fuel-burning Equipment
- R18-2-704. Standards of Performance for Incinerators
- R18-2-705. Standards of Performance for Existing Portland Cement Plants
- R18-2-706. Standards of Performance for Existing Nitric Acid Plants
- R18-2-707. Standards of Performance for Existing Sulfuric Acid Plants
- R18-2-708. Standards of Performance for Existing Asphalt Concrete Plants
- R18-2-709. Standards of Performance for Existing Petroleum Refineries
- R18-2-710. Standards of Performance for Existing Storage Vessels for Petroleum Liquids

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- R18-2-711. Standards of Performance for Existing Secondary Lead Smelters
- R18-2-712. Standards of Performance for Existing Secondary Brass and Bronze Ingot Production Plants
- R18-2-713. Standards of Performance for Existing Iron and Steel Plants
- R18-2-714. Standards of Performance for Existing Sewage Treatment Plants
- R18-2-715. Standards of Performance for Existing Primary Copper Smelters; Site-specific Requirements
- R18-2-715.01. Standards of Performance for Existing Primary Copper Smelters; Compliance and Monitoring
- R18-2-715.02. Standards of Performance for Existing Primary Copper Smelters; Fugitive Emissions
- R18-2-716. Standards of Performance for Existing Coal Preparation Plants
- R18-2-717. Standards of Performance for Steel Plants: Existing Electric Arc Furnaces (EAF)
- R18-2-718. Repealed
- R18-2-719. Standards of Performance for Existing Stationary Rotating Machinery
- R18-2-720. Standards of Performance for Existing Lime Manufacturing Plants
- R18-2-721. Standards of Performance for Existing Nonferrous Metals Industry Sources
- R18-2-722. Standards of Performance for Existing Gravel or Crushed Stone Processing Plants
- R18-2-723. Standards of Performance for Existing Concrete Batch Plants
- R18-2-724. Standards of Performance for Fossil-fuel Fired Industrial and Commercial Equipment
- R18-2-725. Standards of Performance for Existing Dry Cleaning Plants
- R18-2-726. Standards of Performance for Sandblasting Operations
- R18-2-727. Standards of Performance for Spray Painting Operations
- R18-2-728. Standards of Performance for Existing Ammonium Sulfide Manufacturing Plants
- R18-2-729. Standards of Performance for Cotton Gins
- R18-2-730. Standards of Performance for Unclassified Sources
- R18-2-731. Standards of Performance for Existing Municipal Solid Waste Landfills
- R18-2-732. Standards of Performance for Existing Hospital/Medical/Infectious Waste Incinerators
- R18-2-733. Incorporation of Federal Standards of Performance for Mercury Emissions from Coal-Fired Electric Steam Generating Units
- R18-2-733.01. Additional Mercury Allowance Acquisition Requirements for Coal-Fired Electric Steam Generating Units
- R18-2-734. State Standards of Performance for Mercury Emissions from Coal-Fired Electric Steam Generating Units
- Table 1. Emission Limitations for Small, Medium, and Large HMIWI
- Table 2. Emissions Limitations for Rural HMIWI

ARTICLE 8. EMISSIONS FROM MOBILE SOURCES (NEW AND EXISTING)

Article 8, consisting of Sections R18-2-801 through R18-2-805, renumbered from Article 6, Sections R18-2-601 through R18-2-605 (Supp. 93-4).

Article 8, consisting of Sections R18-2-801 through R18-2-805, renumbered to Article 9, Sections R18-2-901 through R18-2-905 (Supp. 93-4).

Article 8 consisting of Sections R18-2-801 through R18-2-805 adopted effective February 26, 1988.

Former Article 8 consisting of Sections R9-3-801 through R9-3-829, R9-3-831, R9-3-832, R9-3-835 through R9-3-838, R9-3-840 through R9-3-848, and R9-3-857 through R9-3-859 repealed effective February 26, 1988.

Section

- R18-2-801. Classification of Mobile Sources
- R18-2-802. Off-road Machinery
- R18-2-803. Heater-planer Units
- R18-2-804. Roadway and Site Cleaning Machinery
- R18-2-805. Asphalt or Tar Kettles

ARTICLE 9. NEW SOURCE PERFORMANCE STANDARDS

Article 9, consisting of Sections R18-2-901 through R18-2-905, renumbered from Article 8, Sections R18-2-801 through R18-2-805 (Supp. 93-4).

Article 9, consisting of Sections R18-2-901 through R18-2-905, renumbered to Article 11, Sections R18-2-1101 through R18-2-1105 (Supp. 93-4).

Article 9 consisting of Sections R18-2-901 and R18-2-902 adopted effective February 26, 1988.

Former Article 9 consisting of Sections R9-3-901, R9-3-903 through R9-3-906, R9-3-910, R9-3-913, and R9-3-922 repealed effective February 26, 1988.

Section

- R18-2-901. Standards of Performance for New Stationary Sources
- R18-2-902. General Provisions
- R18-2-903. Standards of Performance for Fossil-fuel Fired Steam Generators
- R18-2-904. Standards of Performance for Incinerators
- R18-2-905. Standards of Performance for Storage Vessels for Petroleum Liquids
- R18-2-906. Repealed
- R18-2-907. Reserved
- R18-2-908. Reserved
- R18-2-909. Reserved
- R18-2-910. Repealed
- R18-2-911. Reserved
- R18-2-912. Reserved
- R18-2-913. Repealed
- R18-2-914. Reserved
- R18-2-915. Reserved
- R18-2-916. Reserved
- R18-2-917. Reserved
- R18-2-918. Reserved
- R18-2-919. Reserved
- R18-2-920. Reserved
- R18-2-921. Reserved
- R18-2-922. Repealed

ARTICLE 10. MOTOR VEHICLES; INSPECTIONS AND MAINTENANCE

Former Article 10 consisting of Sections R9-3-1001, R9-3-1003 through R9-3-1013, R9-3-1016 through R9-3-1019, R9-3-1022, R9-3-1023, R9-3-1025 through R9-3-1031 renumbered as Article 10, Sections R18-2-1001, R18-2-1003 through R18-2-1013, R18-2-1016 through R18-2-1019, R18-2-1022, R18-2-1023, and R18-2-1025 through R18-2-1031 effective August 1, 1988.

Section

- R18-2-1001. Definitions
- R18-2-1002. Reserved

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- R18-2-1003. Vehicles to be Inspected by the Mandatory Vehicle Emissions Inspection Program
- R18-2-1004. Repealed
- R18-2-1005. Time of Inspection
- R18-2-1006. Emissions Test Procedures
- R18-2-1007. Evidence of Meeting State Inspection Requirements
- R18-2-1008. Procedure for Issuing Certificates of Waiver
- R18-2-1009. Tampering Repair Requirements
- R18-2-1010. Low Emissions Tune-up, Emissions and Evaporative System Repair
- R18-2-1011. Vehicle Inspection Report
- R18-2-1012. Inspection Procedures and Fee
- R18-2-1013. Reinspections
- R18-2-1014. Repealed
- R18-2-1015. Repealed
- R18-2-1016. Licensing of Inspectors
- R18-2-1017. Inspection of Government Vehicles
- R18-2-1018. Certificate of Inspection
- R18-2-1019. Fleet Station Procedures and Permits
- R18-2-1020. Licensing of Third Party Agents; Issuing Alternative Fuel Certificates
- R18-2-1021. Reserved
- R18-2-1022. Procedure for Waiving Inspections Due to Technical Difficulties
- R18-2-1023. Certificate of Exemption for Out-of-State Vehicles
- R18-2-1024. Expired
- R18-2-1025. Inspection of Contractor's Equipment and Personnel
- R18-2-1026. Inspection of Fleet Stations
- R18-2-1027. Registration and Inspection of Emissions Analyzers and Opacity Meters
- R18-2-1028. Certification of Users of Registered Analyzers and Analyzer Repair Persons
- R18-2-1029. Vehicle Emission Control Devices
- R18-2-1030. Visible Emissions; Mobile Sources
- R18-2-1031. Standards for Evaluating the Oxidation Efficiency of a Catalytic Converter
- Table 1. Dynamometer Loading Table - Annual Tests
- Table 2. Emissions Standards - Annual Tests
- Table 3. Emissions Standards - Transient Loaded Emissions Tests
- Table 4. Transient Driving Cycle
- Table 5. Tolerances
- Table 6. Repealed

ARTICLE 11. FEDERAL HAZARDOUS AIR POLLUTANTS

Article 11, consisting of Sections R18-2-1101 and R18-2-1102 adopted effective November 15, 1993 (Supp. 93-4).

Article 11 consisting of Sections R18-2-1101 and R18-2-1102 repealed effective September 26, 1990 (Supp. 90-3).

Article 11 consisting of Sections R9-3-1101, R9-3-1102, and Appendices 1 through 11 renumbered as Article 11, Sections R18-2-1101, R18-2-1102, and Appendices 1 through 11 (Supp. 87-3).

Section

- R18-2-1101. National Emission Standards for Hazardous Air Pollutants (NESHAPs)
- R18-2-1102. General Provisions

ARTICLE 12. EMISSIONS BANK

Article 12, consisting of Sections R18-2-1201 through R18-2-1208, made by final rulemaking at 8 A.A.R. 1815, effective March 18, 2002 (Supp. 02-1).

Section

- R18-2-1201. Definitions
- R18-2-1202. Applicability

- R18-2-1203. Emissions Bank Administration
- R18-2-1204. Credit Generation
- R18-2-1205. Credit Certification
- R18-2-1206. Credit Utilization
- R18-2-1207. Credit Withdrawal
- R18-2-1208. Fees

ARTICLE 13. EXPIRED

Article 13, consisting of Sections R18-2-1301 through R18-2-1307, rules expired under A.R.S. § 41-1056(J), effective April 30, 2013 (Supp. 13-3).

Article 13, consisting of Sections R18-2-1301 through R18-2-1307, made by final rulemaking at 9 A.A.R. 1295, effective April 2, 2003 (Supp. 03-2).

Section

- R18-2-1301. Expired
- R18-2-1302. Expired
- R18-2-1303. Expired
- R18-2-1304. Expired
- R18-2-1305. Expired
- R18-2-1306. Expired
- R18-2-1307. Expired

ARTICLE 14. CONFORMITY DETERMINATIONS

Section

- R18-2-1401. Definitions
- R18-2-1402. Applicability
- R18-2-1403. Priority
- R18-2-1404. Frequency of Conformity Determinations
- R18-2-1405. Consultation
- R18-2-1406. Content of Transportation Plans
- R18-2-1407. Relationship of Transportation Plan and TIP Conformity with the NEPA Process
- R18-2-1408. Fiscal Constraints for Transportation Plans and TIPs
- R18-2-1409. Criteria and Procedures for Determining Conformity of Transportation Plans, Programs, and Projects: General
- R18-2-1410. Criteria and Procedures: Latest Planning Assumptions
- R18-2-1411. Criteria and Procedures: Latest Emissions Model
- R18-2-1412. Criteria and Procedures: Consultation
- R18-2-1413. Criteria and Procedures: Timely Implementation of TCMs
- R18-2-1414. Criteria and Procedures: Currently Conforming Transportation Plan and TIP
- R18-2-1415. Criteria and Procedures: Projects from a Plan and TIP
- R18-2-1416. Criteria and Procedures: Localized CO and PM₁₀ Violations (Hot Spots)
- R18-2-1417. Criteria and Procedures: Compliance with PM₁₀ Control Measures
- R18-2-1418. Criteria and Procedures: Motor Vehicle Emissions Budget (Transportation Plan)
- R18-2-1419. Criteria and Procedures: Motor Vehicle Emissions Budget (TIP)
- R18-2-1420. Criteria and Procedures: Motor Vehicle Emissions Budget (Project Not from a Plan and TIP)
- R18-2-1421. Criteria and Procedures: Localized CO Violations (Hot Spots) in the Interim and Transitional Periods
- R18-2-1422. Criteria and Procedures: Interim and Transitional Period Reductions in Ozone and CO Areas (Transportation Plan)
- R18-2-1423. Criteria and Procedures: Interim Period Reductions in Ozone and CO Areas (TIP)

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- R18-2-1424. Criteria and Procedures: Interim Period Reductions for Ozone and CO Areas (Project Not from a Plan and TIP)
- R18-2-1425. Criteria and Procedures: Interim Period Reductions for PM₁₀ and NO₂ areas (Transportation Plan)
- R18-2-1426. Criteria and Procedures: Interim Period Reductions for PM₁₀ and NO₂ areas (TIP)
- R18-2-1427. Criteria and Procedures: Interim Period Reductions for PM₁₀ and NO₂ areas (Project Not from a Plan and TIP)
- R18-2-1428. Transition from the Interim Period to the Control Strategy Period
- R18-2-1429. Requirements for Adoption or Approval of Projects by Recipients of Funds Designated under 23 U.S.C. or the Federal Transit Act
- R18-2-1430. Procedures for Determining Regional Transportation-related Emissions
- R18-2-1431. Procedures for Determining Localized CO and PM₁₀ Concentrations (Hot-spot Analysis)
- R18-2-1432. Using the Motor Vehicle Emissions Budget in the Applicable Implementation Plan or Implementation Plan Submission
- R18-2-1433. Enforceability of Design Concept and Scope and Project-level Mitigation and Control Measures
- R18-2-1434. Exempt Projects
- R18-2-1435. Projects Exempt from Regional Emissions Analyses
- R18-2-1436. Special Provisions for Nonattainment Areas Which are Not Required to Demonstrate Reasonable Further Progress and Attainment
- R18-2-1437. Reserved
- R18-2-1438. General Conformity for Federal Actions

ARTICLE 15. FOREST AND RANGE MANAGEMENT BURNS

Article 15, consisting of R18-2-1501 through R18-2-1515, adopted effective October 8, 1996 (Supp. 96-4).

Section

- R18-2-1501. Definitions
- R18-2-1502. Applicability
- R18-2-1503. Annual Registration, Program Evaluation and Planning
- R18-2-1504. Prescribed Burn Plan
- R18-2-1505. Prescribed Burn Requests and Authorization
- R18-2-1506. Smoke Dispersion Evaluation
- R18-2-1507. Prescribed Burn Accomplishment; Wildfire Reporting
- R18-2-1508. Wildland Fire Use: Plan, Authorization, Monitoring; Interagency Consultation; Status Reporting
- R18-2-1509. Emission Reduction Techniques
- R18-2-1510. Smoke Management Techniques
- R18-2-1511. Monitoring
- R18-2-1512. Burner Qualifications
- R18-2-1513. Public Notification and Awareness Program; Regional Coordination
- R18-2-1514. Surveillance and Enforcement
- R18-2-1515. Forms; Electronic Copies; Information Transfers

ARTICLE 16. VISIBILITY; REGIONAL HAZE

Article 16, consisting of Sections R18-2-1601 through R18-2-1606, made by final rulemaking at 9 A.A.R. 4541, effective December 2, 2003 (Supp. 03-4).

Section

- R18-2-1601. Definitions
- R18-2-1602. Applicability
- R18-2-1603. Certification of Impairment

- R18-2-1604. Attribution Analysis; Finding
- R18-2-1605. BART Control Analysis; Finding
- R18-2-1606. Exemption from BART
- R18-2-1607. Reserved
- R18-2-1608. Reserved
- R18-2-1609. Reserved
- R18-2-1610. Expired
- R18-2-1611. Expired
- R18-2-1612. Expired
- R18-2-1613. Expired

ARTICLE 17. ARIZONA STATE HAZARDOUS AIR POLLUTANTS PROGRAM

Article 17, consisting of Sections R18-2-1701 through R18-2-1709, made by final rulemaking at 12 A.A.R.1953, effective January 1, 2007 (Supp. 06-2).

Section

- R18-2-1701. Definitions
- R18-2-1702. Applicability
- R18-2-1703. State List of Hazardous Air Pollutants
- R18-2-1704. Notice of Types and Amounts of HAPs
- R18-2-1705. Modifications; Permits; Permit Revisions
- R18-2-1706. Case-by-case HAPRACT Determination
- R18-2-1707. Case-by-case AZMACT Determination
- R18-2-1708. Risk Management Analyses
- R18-2-1709. Periodic Review

ARTICLE 18. REPEALED

Article 18, consisting of Sections R18-2-1801 through R18-2-1812 and Appendix 13, repealed by final rulemaking at 18 A.A.R. 250, effective January 10, 2012 (Supp. 12-1).

Article 18, consisting of Sections R18-2-1801 through R18-2-1812 and Appendix 13, made by final rulemaking at 14 A.A.R. 2404, effective July 8, 2008 (Supp. 08-2).

Section

- R18-2-1801. Repealed
- R18-2-1802. Repealed
- R18-2-1803. Repealed
- R18-2-1804. Repealed
- R18-2-1805. Repealed
- R18-2-1806. Repealed
- R18-2-1807. Repealed
- R18-2-1808. Repealed
- R18-2-1809. Repealed
- R18-2-1810. Repealed
- R18-2-1811. Repealed
- R18-2-1812. Repealed

- Appendix 1. Standard Permit Application Form and Filing Instructions
- Appendix 2. Test Methods and Protocols
- Appendix 3. Logging
- Appendix 4. Reserved
- Appendix 5. Repealed
- Appendix 6. Repealed
- Appendix 7. Repealed
- Appendix 8. A8. Procedures for Utilizing the Sulfur Balance Method for Determining Sulfur Emissions
- Appendix 9. A9. Monitoring Requirements
- Appendix 10. Repealed
- Appendix 11. Repealed
- Appendix 12. A12. Procedures for Determining Ambient Air Concentrations for Hazardous Air Pollutants
- Appendix 13. Repealed

- section (B)(4) shall be prescribed by the new source performance standard which is applicable to the source category unless the owner or operator demonstrates that this emission rate is infeasible. Where such demonstrations are approved by the Director, an alternative emission rate shall be established in consultation with the source owner or operator;
- b. For sources seeking credit after October 11, 1983, for increases in existing stack heights up to the heights established under subsections (B)(2) and (3), either:
 - i. A maximum ground-level concentration due in whole or in part to downwash, wakes, or eddy effects as provided in subsection (B)(6)(a), except that emission rate specified by any applicable SIP shall be used; or
 - ii. The actual presence of a local nuisance caused by the existing stack, as determined by the Director; and
 - c. For sources seeking credit after January 12, 1979, for a stack height determined under subsections (B)(2) and (3), where the Director requires the use of a field study or fluid model to verify GEP stack height, for sources seeking stack height credit after November 9, 1984, based on the aerodynamic influence of cooling towers, and for sources seeking stack height credit after December 31, 1970, based on the aerodynamic influence of structures not adequately represented by the equations in subsections (B)(2) and (3), a maximum ground-level concentration due in whole or in part to downwash, wakes, or eddy effects that is at least 40% in excess of the maximum concentration experienced in the absence of such downwash, wakes, or eddy effects.
- C. The degree of emission limitation required of any source after the respective date given in subsection (A) above for control of any pollutant shall not be affected by so much of any source's stack height that exceeds good engineering practice or by any other dispersion technique.
- D. The good engineering practice (GEP) stack height for any source seeking credit because of plume impaction which results in concentrations in violation of national ambient air quality standards or applicable maximum allowable increases under R18-2-218 can be adjusted by determining the stack height necessary to predict the same maximum air pollutant concentration on any elevated terrain feature as the maximum concentration associated with the emission limit which results from modelling the source using the GEP stack height as determined herein and assuming the elevated terrain features to be equal in elevation to the GEP stack height. If this adjusted GEP stack height is greater than stack height the source proposes to use, the source's emission limitation and air quality impact shall be determined using the proposed stack height and the actual terrain heights.
- E. Before the Director issues a permit or permit revision under this Article to a source based on a good engineering practice stack height that exceeds the height allowed by subsection (B), the Director shall notify the public of the availability of the demonstration study and provide opportunity for a public hearing in accordance with the requirements of R18-1-402.

Historical Note

Adopted effective November 15, 1993 (Supp. 93-4).

R18-2-333. Acid Rain

- A. 40 CFR 72, 74, 75 and 76 and all accompanying appendices, adopted as of July 1, 2006, (and no future amendments) are incorporated by reference as applicable requirements. These standards are on file with the Department and shall be applied by the Department. These standards can be obtained from the U.S. Government Printing Office, Superintendent of Documents, Mail Stop SSOP, Washington D.C. 20402-9328.
- B. When used in 40 CFR 72, 74, 75 or 76, "Permitting Authority" means the Arizona Department of Environmental Quality and "Administrator" means the Administrator of the United States Environmental Protection Agency.
- C. If the provisions or requirements of the regulations incorporated in this Section conflict with any of the remaining portions of this Title, the regulations incorporated in this Section apply and take precedence.

Historical Note

Adopted effective October 7, 1994 (Supp. 94-4).
 Amended effective December 7, 1995 (Supp. 95-4).
 Amended effective December 4, 1997 (Supp. 97-4).
 Amended by final rulemaking at 5 A.A.R. 3221, effective August 12, 1999 (Supp. 99-3). Amended by final rulemaking at 6 A.A.R. 4170, effective October 11, 2000 (Supp. 00-4). Amended by final rulemaking at 8 A.A.R. 2543, effective May 24, 2002 (Supp. 02-2). Amended by final rulemaking at 10 A.A.R. 3281, effective September 27, 2004 (Supp. 04-3). Amended by final rulemaking at 11 A.A.R. 5504, effective February 4, 2006 (Supp. 05-4). Amended by final rulemaking at 13 A.A.R. 4199, effective January 5, 2008 (Supp. 07-4).

R18-2-334. Minor New Source Review

- A. Applicability.
 1. Except as provided in subsection (A)(4), this Section shall apply to the following activities:
 - a. Construction of any new Class I or Class II source, including the construction of any source requiring a Class II permit under R18-2-302.01(C)(4); or
 - b. Any minor NSR modification to a Class I or Class II source.
 2. This Section shall apply to a regulated minor NSR pollutant emitted by a new stationary source, if the source will have the potential to emit that pollutant at an amount equal to or greater than the permitting exemption threshold.
 3. This Section shall apply to an increase in emissions of a regulated minor NSR pollutant from a minor NSR modification, if the modification would increase the source's potential to emit that pollutant by an amount equal to or greater than the permitting exemption threshold.
 4. This Section shall not apply to the emissions of a pollutant from any of the activities identified in this subsection, if the emissions of that pollutant are subject to Article 4 of this Chapter.
- B. No person shall begin actual construction of a new stationary source, or minor NSR modification, subject to this Section without first obtaining a permit, a permit revision, a proposed final permit, or a proposed final permit revision from the Director in accordance with R18-2-304.
- C. The Director shall not issue a proposed final Class I permit or permit revision or a Class II permit or permit revision subject to this Section to a person proposing to construct a new source or make a minor NSR modification unless the source or modification meets one of the following conditions for each regulated minor NSR pollutant subject to this section:
 1. The owner or operator elects to implement RACT.

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- a. In the case of a new source, the owner or operator shall implement RACT for each emissions unit that has the potential to emit a regulated minor NSR pollutant in an amount equal to or greater than 20% of the permitting exemption threshold.
 - b. In the case of a minor NSR modification, the owner or operator shall implement RACT for each emissions unit that will experience an increase in the potential to emit a regulated minor NSR pollutant equal to or greater than 20% of the permitting exemption threshold.
 - c. When it is technically feasible and otherwise consistent with the definition of RACT to apply the same devices, systems, process modifications, work practices or other apparatus or techniques to a group of emissions units, that group of emissions units shall be treated as a single emissions unit for purposes of subsections (C)(1)(a) and (b). The following are examples of situations to which this subsection may apply:
 - i. Emissions from a group of emissions units can be vented to a single control device.
 - ii. A low-VOC coating can be used in several spray-painting booths.
2. An ambient air quality assessment demonstrates that emissions from the source or minor NSR modification will not interfere with attainment or maintenance of a standard imposed in Article 2 of this Chapter.
 - a. An owner or operator may elect to have the Director perform a SCREEN model of its emissions. If the results of the SCREEN model indicate that the source or minor NSR modification will interfere with attainment or maintenance of a standard imposed in Article 2 of this Chapter, the owner or operator may perform a more refined model to make the demonstration required by this subsection.
 - b. The requirements of this subsection shall be satisfied, if the results of the SCREEN or more refined modeling conducted pursuant to subsection (B)(2)(a) demonstrate either of the following:
 - i. Ambient concentrations resulting from emissions from the source or modification combined with existing concentrations of regulated minor NSR pollutants will not cause or exacerbate the violation of a standard imposed in Article 2 of this Chapter.
 - ii. Emissions from the source or minor modification will have an ambient impact below the significance levels as defined in R18-2-401.
 - c. The assessment required by this subsection shall take into account any limitations, controls or emissions decreases that are or will be enforceable in the permit or permit revision for the source.
- D. RACT Determinations.**
1. Except as otherwise provided in this subsection, the Director shall determine RACT on the basis of a case-by-case analysis performed by the permit applicant of the emission reduction methods available for each emission unit subject to the RACT requirement under subsection (C)(1).
 2. The Director shall accept a requirement proposed by a permit applicant as RACT under subsection (C)(1) if it complies with the most recently adopted of the following guidelines or standards in effect at the time of the application:
 - a. A control technique guideline issued by the Administrator under section 108(f)(1) of the Act.
 - b. An emissions standard established or revised by the Administrator for the same type of source under section 111 or 112 of the Act after November 15, 1990.
 - c. An applicable requirement of this Chapter or of air quality control regulations adopted by a County under A.R.S. § 49-479 that has been specifically identified as constituting RACT.
 - d. A RACT standard imposed on the same type of source by a general permit.
 - e. A RACT standard imposed on the same type of source under this Section no more than 10 years before submission of the application by the permit applicant. To facilitate identification of previously imposed RACT standards, the Director shall establish an online database of RACT determinations made under this Section.
- E.** Notwithstanding an election to adopt RACT under subsection (C)(1), a permit applicant subject to this Section shall conduct an ambient air quality impact assessment under subsection (C)(2) upon the Director's request. The Director shall make such a request, if there is reason to believe that a source or minor NSR modification could interfere with attainment or maintenance of a standard imposed in Article 2 of this Chapter. In making that determination, the Director shall take into consideration:
1. The source's emission rates.
 2. The location of emission units within the facility and their proximity to the ambient air.
 3. The terrain in which the source is or will be located.
 4. The source type.
 5. The location and emissions of nearby sources.
 6. Background concentrations of regulated minor NSR pollutants.
- F.** The Director shall deny an application for a Class I permit or permit revision or a Class II permit or permit revision subject to this Section, if an assessment conducted pursuant to subsection (C)(2) demonstrates that the source or modification will interfere with attainment or maintenance of a standard imposed in Article 2 of this Chapter.
- G.** An application for a permit or permit revision subject to this Section may be processed as a minor permit revision if one of the following conditions is satisfied for each pollutant subject to subsection (C):
1. A RACT standard is imposed under subsection (D)(2) on each emissions unit that requires such a standard under subsection (C)(1).
 2. The results of the SCREEN model for a regulated minor NSR pollutant show expected concentrations, including background concentrations, that are less than 75% of the applicable standard imposed in Article 2 of this Chapter.
- H.** A copy of the notice required by R18-2-330 for permits or significant permit revisions subject to this Section must also be sent to the Administrator through the appropriate regional office, and to all other state and local air pollution control agencies having jurisdiction in the region in which the source subject to the permit or permit revision will be located. The notice also must be sent to any other agency in the region having responsibility for implementing the procedures required under this subpart.
- I.** All modeling required pursuant to this Section shall be conducted in accordance with 40 CFR 51, Appendix W.
- J.** The Director shall specify those conditions in the permit that are implemented pursuant to this Section. The specified condi-

tions shall be included in subsequent permit renewals unless modified pursuant to this Section or Article 4 of this Chapter.

- K. The issuance of a permit or permit revision under this Section shall not relieve the owner or operator of the responsibility to comply fully with applicable provisions of the SIP and any other requirements under local, state, or federal law.
- L. Delayed Effective Date. This Section shall take effect on the effective date of the Administrator's action approving it as part of the state implementation plan.

Historical Note

New Section made by final rulemaking at 18 A.A.R.
1542, effective August 7, 2012 (Supp. 12-2).

ARTICLE 4. PERMIT REQUIREMENTS FOR NEW MAJOR SOURCES AND MAJOR MODIFICATIONS TO EXISTING MAJOR SOURCES

R18-2-401. Definitions

The following definitions apply to this Article:

1. "Adverse impact on visibility" means visibility impairment that interferes with the management, protection, preservation, or enjoyment of the visitor's visual experience of a Class I area, as determined according to R18-2-410.
2. "Baseline actual emissions" means the rate of emissions, in tons per year, of a regulated NSR pollutant, as determined in accordance with subsections (2)(a) through (c).
 - a. For any existing electric utility steam generating unit, baseline actual emissions means the average rate, in tons per year, at which the unit actually emitted the pollutant during any consecutive 24-month period selected by the owner or operator within the five-year period immediately preceding when the owner or operator begins actual construction of the project. The Director shall allow the use of a different time period upon a determination that it is more representative of normal source operation.
 - i. The average rate shall include fugitive emissions to the extent quantifiable, and emissions associated with startups, shutdowns, and malfunctions.
 - ii. The average rate shall be adjusted downward to exclude any non-compliant emissions that occurred while the source was operating above any emission limitation that was legally enforceable during the consecutive 24-month period.
 - iii. For a regulated NSR pollutant, when a project involves multiple emissions units, only one consecutive 24-month period must be used to determine the baseline actual emissions for the emissions units being changed. A different consecutive 24-month period can be used for each regulated NSR pollutant.
 - iv. The average rate shall not be based on any consecutive 24-month period for which there is inadequate information for determining annual emissions, in tons per year, and for adjusting this amount if required by subsection (2)(a)(ii).
 - b. For any existing emissions unit (other than an electric utility steam generating unit), baseline actual emissions means the average rate, in tons per year, at which the unit actually emitted the pollutant during any consecutive 24-month period selected by the owner or operator within the 10-year period immediately preceding either the date the owner or operator begins actual construction of the project, or the date

a complete permit application is received by the Administrator for a permit required under 40 CFR 52.21 or by the Director for a permit required under the state implementation plan, whichever is earlier, except that the 10-year period shall not include any period earlier than November 15, 1990.

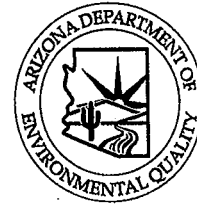
- i. The average rate shall include fugitive emissions to the extent quantifiable, and emissions associated with startups, shutdowns, and malfunctions.
- ii. The average rate shall be adjusted downward to exclude any non-compliant emissions that occurred while the source was operating above any emission limitation that was legally enforceable during the consecutive 24-month period. This provision applies to excess emissions associated with a malfunction.
- iii. The average rate shall be adjusted downward to exclude any emissions that would have exceeded an emission limitation with which the major source must currently comply, had such major source been required to comply with such limitations during the consecutive 24-month period. However, if an emission limitation is part of a maximum achievable control technology standard that the Administrator proposed or promulgated under 40 CFR 63, the baseline actual emissions need only be adjusted if the state of Arizona has taken credit for such emissions reductions in an attainment demonstration or maintenance plan submitted to the Administrator pursuant to section 110(a)(1) of the Act.
- iv. For a regulated NSR pollutant, when a project involves multiple emissions units, only one consecutive 24-month period must be used to determine the baseline actual emissions for all existing emissions units affected by the project. A different consecutive 24-month period may be used for each regulated NSR pollutant.
- v. The average rate shall not be based on any consecutive 24-month period for which there is inadequate information for determining annual emissions, in tons per year, and for adjusting this amount if required by subsection (2)(b)(ii) or (iii).
- c. For a new emissions unit, the baseline actual emissions for purposes of determining the emissions increase that will result from the initial construction and operation of such unit shall equal zero; and thereafter, for all other purposes, shall equal the unit's potential to emit.
- d. For a PAIL for a stationary source, the baseline actual emissions shall be calculated for existing electric utility steam generating units in accordance with the procedures in subsection (2)(a), for other existing emissions units in accordance with the procedures contained in subsection (2)(b), and for new emissions units in accordance with the procedures contained in subsection (2)(c).
3. "Basic design parameter" means:
 - a. Except as provided in subsection (3)(c), for a process unit at a steam electric generating facility, the owner or operator may select as its basic design parameters either maximum hourly heat input and maximum hourly fuel consumption rate or maxi-



Janice K. Brewer
Governor

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

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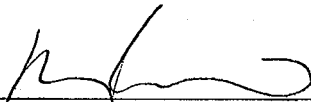
Henry R. Darwin
Director

February 25, 2011

TO: Eric Massey
Division Director
Air Quality Division

Under A.R.S. §49-104(D)(2), I authorize you, Eric Massey, Division Director, Air Quality Division, Arizona Department of Environmental Quality, to perform any act, including execution of any pertinent documents, which I as Director of the Arizona Department of Environmental Quality am authorized or required to do by law with respect to A.R.S. Title 49, chapters 1 and 3 and any other acts relating to air quality including personnel actions. This authority shall remain in effect until it is revoked or you resign. You may further delegate this authority in the best interest of the agency, however, those delegations must be in writing and you must forward a copy of any further delegations to me.

This delegation is effective February 25, 2011. I ratify all acts performed by you as Air Quality Division Director concerning the duties and functions in this delegation letter.


Henry R. Darwin
Director